

ASSEMBLY BILL

No. 1222

Introduced by Assembly Member Laird

February 23, 2007

An act to amend Section 17553 of the Government Code, relating to state mandates.

LEGISLATIVE COUNSEL'S DIGEST

AB 1222, as introduced, Laird. State mandates.

Under the California Constitution, whenever the Legislature or a state agency mandates a new program or higher level of service on any local government, including school districts, the state is required to provide a subvention of funds to reimburse the local government, with specified exceptions. Existing law establishes a procedure for local governmental agencies to file claims for reimbursement of these costs with the Commission on State Mandates. These procedures require that a claim for reimbursement include, among other things, a written narrative that identifies the specific sections of statutes or executive orders alleged to contain a mandate.

This bill would require that a test claim also identify the effective date and register number of regulations alleged to contain a mandate.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 17553 of the Government Code is
2 amended to read:

1 17553. (a) The commission shall adopt procedures for
2 receiving claims pursuant to this article and for providing a hearing
3 on those claims. The procedures shall do all of the following:

4 (1) Provide for presentation of evidence by the claimant, the
5 Department of Finance, and any other affected department or
6 agency, and any other interested person.

7 (2) Ensure that a statewide cost estimate is adopted within 12
8 months after receipt of a test claim, when a determination is made
9 by the commission that a mandate exists. This deadline may be
10 extended for up to six months upon the request of either the
11 claimant or the commission.

12 (3) Permit the hearing of a claim to be postponed at the request
13 of the claimant, without prejudice, until the next scheduled hearing.

14 (b) All test claims shall be filed on a form prescribed by the
15 commission and shall contain at least the following elements and
16 documents:

17 (1) A written narrative that identifies the specific sections of
18 statutes or executive orders *and the effective date and register*
19 *number of regulations* alleged to contain a mandate and shall
20 include all of the following:

21 (A) A detailed description of the new activities and costs that
22 arise from the mandate.

23 (B) A detailed description of existing activities and costs that
24 are modified by the mandate.

25 (C) The actual increased costs incurred by the claimant during
26 the fiscal year for which the claim was filed to implement the
27 alleged mandate.

28 (D) The actual or estimated annual costs that will be incurred
29 by the claimant to implement the alleged mandate during the fiscal
30 year immediately following the fiscal year for which the claim
31 was filed.

32 (E) A statewide cost estimate of increased costs that all local
33 agencies or school districts will incur to implement the alleged
34 mandate during the fiscal year immediately following the fiscal
35 year for which the claim was filed.

36 (F) Identification of all of the following:

37 (i) Dedicated state funds appropriated for this program.

38 (ii) Dedicated federal funds appropriated for this program.

39 (iii) Other nonlocal agency funds dedicated for this program.

40 (iv) The local agency's general purpose funds for this program.

1 (v) Fee authority to offset the costs of this program.

2 (G) Identification of prior mandate determinations made by the
3 California Victim Compensation and Government Claims Board
4 or the Commission on State Mandates that may be related to the
5 alleged mandate.

6 (2) The written narrative shall be supported with declarations
7 under penalty of perjury, based on the declarant's personal
8 knowledge, information, or belief, and signed by persons who are
9 authorized and competent to do so, as follows:

10 (A) Declarations of actual or estimated increased costs that will
11 be incurred by the claimant to implement the alleged mandate.

12 (B) Declarations identifying all local, state, or federal funds, or
13 fee authority that may be used to offset the increased costs that
14 will be incurred by the claimant to implement the alleged mandate,
15 including direct and indirect costs.

16 (C) Declarations describing new activities performed to
17 implement specified provisions of the new statute or executive
18 order alleged to impose a reimbursable state-mandated program.
19 Specific references shall be made to chapters, articles, sections,
20 or page numbers alleged to impose a reimbursable state-mandated
21 program.

22 (3) (A) The written narrative shall be supported with copies of
23 all of the following:

24 (i) The test claim statute that includes the bill number or
25 executive order, alleged to impose or impact a mandate.

26 (ii) Relevant portions of state constitutional provisions, federal
27 statutes, and executive orders that may impact the alleged mandate.

28 (iii) Administrative decisions and court decisions cited in the
29 narrative.

30 (B) State mandate determinations made by the California Victim
31 Compensation and Government Claims Board and the Commission
32 on State Mandates and published court decisions on state mandate
33 determinations made by the Commission on State Mandates are
34 exempt from this requirement.

35 (4) A test claim shall be signed at the end of the document,
36 under penalty of perjury by the claimant or its authorized
37 representative, with the declaration that the test claim is true and
38 complete to the best of the declarant's personal knowledge,
39 information, or belief. The date of signing, the declarant's title,

1 address, telephone number, facsimile machine telephone number,
2 and electronic mail address shall be included.

3 (c) If a completed test claim is not received by the commission
4 within 30 calendar days from the date that an incomplete test claim
5 was returned by the commission, the original test claim filing date
6 may be disallowed, and a new test claim may be accepted on the
7 same statute or executive order.

8 (d) In addition, the commission shall determine whether an
9 incorrect reduction claim is complete within 10 days after the date
10 that the incorrect reduction claim is filed. If the commission
11 determines that an incorrect reduction claim is not complete, the
12 commission shall notify the local agency and school district that
13 filed the claim stating the reasons that the claim is not complete.
14 The local agency or school district shall have 30 days to complete
15 the claim. The commission shall serve a copy of the complete
16 incorrect reduction claim on the Controller. The Controller shall
17 have no more than 90 days after the date the claim is delivered or
18 mailed to file any rebuttal to an incorrect reduction claim. The
19 failure of the Controller to file a rebuttal to an incorrect reduction
20 claim shall not serve to delay the consideration of the claim by the
21 commission.